

Remarks and Arguments:

In the present application, please cancel claims 10-18 as indicated above. Claims 1-9 and 19-26 remain pending in this application with claims 1-2, and 19-24 currently amended as shown above.

In the Office Action dated July 28, 2004, claims 1-3, 5-12, 14-21, and 23-25 were rejected under the first paragraph of 35 U.S.C. §112 because of the long list of materials that could be used in the first wicking layer. As amended, independent claims 1, 19, and 23 require that the first wicking layer comprise wettable cellulosic lamellae. Applicant submits that the specification enables one skilled in art to make and use the first wicking layer comprising wettable cellulosic lamellae as required by independent claims 1, 19, and 23.

Also, in the Office Action, claims 1-3, 5-12, 14-21, and 23-25 were rejected under U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,843,852 to Dutkiewicz et al. in view of U.S. Patent No. 5,286,770 to Bastioli et al. As admitted in the Office Action, Dutkiewicz does not disclose a second retention layer comprising a hydrogel-forming polymeric material. The Examiner combines Dutkiewicz with Bastioli to argue that it would be obvious to modify Dutkiewicz to have a retention layer comprising hydrogel-forming polymeric material.

However, claims 1, 19, and 23 also require a bonding agent for bonding said first wicking layer to said second retention layer. The Office Action cites Bastioli, column 9, rows 20-25 as disclosing a bonding agent. However, as described in Bastioli, the adhesive is used to join the topsheet and the backsheet together, wherein both the topsheet and backsheet are made from a hydrophobic material. See Bastioli, column 8, rows 60-62 and rows 38-40, respectively. In stark contrast, independent claims 1, 19, and 23 require that the bonding agent bond the first wicking layer to the second retention layer. On the other hand, Bastioli teaches that the topsheet and the backsheet are joined together effectively enclosing the absorbent material within, not bond the absorbent material to either sheet. Thus, Bastioli does not disclose or suggest bonding the first wicking layer to the second wicking layer as in the present invention. Therefore, Applicants respectively submit that the claims, as amended, are

patentably distinct over the prior art references and in complete condition for allowance.


Also, in the Office Action, claims 3, 12, 21, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dutkiewicz and Bastioli in further view of U.S. Patent No. 5,685,756 issued to Noda. As admitted in the office action, neither Dutkiewicz nor Bastioli disclose or suggest the use of a bonding agent to bond the first wicking layer to the second retention layer. Thus, it would not have been obvious to one of ordinary skill in the art to combine Noda to find a suitable bonding agent.

In view of the above amendments and remarks, applicants respectfully submit that the claims as presently presented are patentable over the prior art. Thus, applicants believe that the application is in complete condition for allowance and request favorable consideration. Should any issues remain after consideration of this response, Examiner Stevens is invited and encouraged to telephone the undersigned at her convenience,

October 27, 2004

Date

Respectfully submitted,



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